

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHARON McNULTY,  
Plaintiff

v.

MASSACHUSETTS BAY COMMUTER  
RAIL COMPANY, LLC and  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,

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)  
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)  
) CIVIL ACTION NO. 05-10040 WGY  
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)  
)

**ASSENTED MOTION TO CONTINUE THE FEBRUARY 9, 2006, MEDIATION,  
TO FEBRUARY 16, 2006**

Now come the defendants, Massachusetts Bay Commuter Rail Company, LLC (MBCR) and Massachusetts Bay Transportation Authority (MBTA), with the assent of the plaintiff, and respectfully request that the Court continue the February 9, 2006, mediation date to February 16, 2006. As grounds therefore, the parties state:

1. This is a personal injury action brought by plaintiff, an employee of the defendants, pursuant to 45 U.S.C. § 51, *et seq.*, (Federal Employers Liability Act), wherein she seeks to recover monetary damages for injuries sustained in the course of her employment on March 28, 2004.

2. Plaintiff is represented by Attorney Steven Lafferty of Philadelphia, Pennsylvania. Attorney Lafferty also represents the plaintiff Raul Carpentiero in the case of Raul Carpentiero v. Massachusetts Bay Commuter Railroad, Co., U.S. District Court docket number 05-CV-10076. Counsel of record for the defense in this matter, the Law Offices of John J. Bonistalli, represents the defendant MBCR & the MBTA in the Carpentiero matter. The mediation of the Carpentiero matter is scheduled for Monday,

February 11, 2006, with the Honorable Justice Judith Dein.

3. The resources of the Court and all counsel will be better utilized if both the instant action and the Carpentiero action were mediated on the same day. Counsel for the defense has confirmed that February 16<sup>th</sup>, 2006, is available for both the Court and Attorney Lafferty.

4. The continuation of this mediation will not prejudice either party.

5. The PLAINTIFF ASSENTS to this motion.

WHEREFORE, all parties respectfully request that this motion be ALLOWED and that the Court re-schedule the February 9, 2006, mediation to February 16, 2006.


SHARON MCNULTY

MASSACHUSETTS BAY COMMUTER  
RAIL COMPANY, LLC and  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY,  
By their attorney,

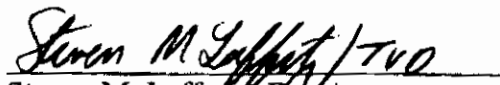
By Her Attorneys



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(215) 988-1229

**CERTIFICATE OF SERVICE**

I, Tom DiGangi, attorney for the defendants, Massachusetts Bay Commuter Rail Company, LLC and Massachusetts Bay Transportation Authority, hereby certify that a true copy of the foregoing document was sent via first class mail, postage prepaid, this 3 day of JANUARY, 2006 to: Steven M. Lafferty, Esquire, Myers Lafferty Law Offices, 1515 Market Street, Suite 1310, Philadelphia, PA 19102; Mario Bozza, Esquire, 63 Commercial Wharf, Boston MA 02110

